Remarks:

With regards to the Office Action dated 09/22/2004, Examiner has rejected all original claims 1-20 based upon the following. Claims 1-18 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Crisan (US 2003/0121964 A1) in view of Strauch et al (US 5,861,823). And, claim 19 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Crisan in view of Strauch et al and in further view of Goodson (5,359,658). Accordingly, The remarks herein are primarily directed towards the fundamental structural and functional differences between the present invention and Crisan invention, since Crisan was relied upon as the primary means for all rejections. Applicant has canceled the original claims 1-20, and is submitting herewith new claims 21-40 which are believed to effectively overcome the rejections previously set forth by the Examiner. All the new claims submitted herewith are fully supported by the disclosure of the original application specifications and drawings.

Crisan teaches a data entry device which includes a key that has a first data entry value associated with depressing the key at its center, and one or more discrete data entry values associated with deflecting the key in a predetermined direction. See Crisan page 1, lines 12-15 "The present invention relates to data entry devices for digital signal processing, and more specifically to a key having two or more entry modes to facilitate rapid entry of data." Also see Crisan ABSTRACT OF DISCLOSURE and SUMMARY. Therefore, each Crisan key or button is formed and adapted for depression at its center for primary data

entry, and, deflection for secondary data entry. To the contrary, each button of the present invention is specifically formed not to achieve a data entry value by depressing the button at its center or imaginary central axis, so as to reduce the potential for inaccurate, human data entry in a small or miniaturized telephony keypad. The present invention buttons are formed only for tiltable operation, in four directions away from an imaginary central axis. Therefore, the keypad buttons of the present invention are, in fact, significantly different than the Crisan keypad buttons (both structurally and functionally). Furthermore, Crisan is pursuing keypad buttons with multifunctional capabilities including primary and secondary data entry values; while significantly different, Macor is pursuing the form and function of a keypad including the novel spacing of the buttons to provide enhanced ergonomics and precise human data entry in a small or miniaturized keypad. **Applicant can not overemphasize the fundamental, structural and functional differences between the Macor keypad button(s), and the Crisan keypad button(s), because, the fundamental structural and functional differences affect profound differences in ergonomics, precise human data entry and the effective miniaturization of keypads. In fact, the present invention is structured to specifically avoid the primary functional feature of the Crisan button(s) and the inherent consequential deficiencies.**

In further addition, Crisan does not claim, teach or even suggest that the principle buttons of his invention device be "spaced apart and positioned relative to each other so as to substantially maximize the spacing of the depressible

areas, while, substantially minimizing the spacing of the buttons." See Crisan written disclosure and Figures 1-10. To the contrary, preferred embodiments of the present invention have the buttons "spaced apart and positioned relative to each other so as to substantially maximize the spacing of the twelve depressible areas, while, substantially minimizing the spacing of the principle buttons." This is another significant structural limitation which clearly differentiates the present invention from Crisan.

In further addition, Crisan does not claim, teach or even suggest that "the spacing distance between two adjacent depressible areas from one principle button be substantially the same as the spacing distance between two adjacent depressible areas from two separate adjacent principle buttons." See Crisan written disclosure and Figures 1-10. To the contrary, in some preferred embodiments of the present invention "the spacing distance between two adjacent depressible areas from one principle button is substantially the same as the spacing distance between two adjacent depressible areas from two separate adjacent principle buttons." This is yet another significant structural limitation which clearly differentiates the present invention from Crisan. Again, it is important to point out that Crisan is pursuing keypad buttons with multifunctional capabilities including primary and secondary data entry values; while significantly different, Macor is pursuing the form and function of a keypad including the novel spacing of the buttons to provide enhanced ergonomics and precise human data entry in a small or miniaturized keypad. **Applicant can not overemphasize the**

fundamental, structural and functional differences between the Macor keypad, and the Crisan keypad, because the fundamental structural and functional differences affect profound differences in ergonomics, precise human data entry and the effective miniaturization of keypads. Furthermore, it is believed that the Crisan keypad actually teaches (one skilled in the art) away from the present invention and the objectives set forth by applicant regarding the optimum spacing of the buttons to effectively miniaturize telephony keypads without sacrificing ergonomics and precise human data entry. See Macor objectives on Page 3 at lines 8-17, "It is an important objective of the present invention to provide for a smaller telephony device, thereby providing the user with greater portability. It is another important objective of the present invention to provide for a smaller telephony keypad, so as to provide for a smaller telephony device. It is another important objective of the present invention to provide for a telephony keypad that provides the user with tactile and touch sensitive switch operations for enhanced ergonomics. It is another important objective of the present invention to provide for optimum spacing and precision operation of the tactile buttons and switch operations."

In further addition, Crisan does not claim, teach or even suggest that "the depressible areas of each button be positionally rotated relative to the depressible areas of an adjacent button." See Crisan written disclosure and every Figure 1-10. To the contrary, some preferred embodiments of the present

invention have "the depressible areas of each button positionally rotated relative to the depressible areas of an adjacent button." This is yet another significant structural limitation which clearly differentiates the present invention from Crisan.

In further addition, Crisan does not claim, teach or even suggest that "the depressible areas of each button be positionally rotated about 45 degrees relative to the positioning of the depressible areas of an adjacent button." Yet to the contrary, in some preferred embodiments of the present invention, "the depressible areas of each button are positionally rotated about 45 degrees relative to the positioning of the depressible areas of an adjacent button." This is yet another significant structural limitation which clearly differentiates the present invention from Crisan. Again, it is important to point out that Crisan is pursuing keypad buttons with multifunctional capabilities including primary and secondary data entry values; while significantly different, Macor is pursuing the form and function of a keypad with buttons, including the novel spacing of keypad buttons to provide enhanced ergonomics and precise human data entry in a small or miniaturized keypad. **Applicant can not overemphasize the fundamental, structural and functional differences between the Macor keypad, and the Crisan keypad, because the fundamental structural and functional differences affect profound differences in ergonomics, precise human data entry and the effective miniaturization of keypads. Furthermore, it is believed that the Crisan keypad actually teaches (one skilled in the art) away from the present invention and the objectives set forth by applicant**

regarding the form and function of the keypad buttons and the optimum spacing of the buttons to effectively miniaturize telephony keypads without sacrificing ergonomics and precise human data entry.

In view of the above, it is believed that new claims 21-40 should be allowable, and an expeditious allowance and issuance of the patent thereto is earnestly solicited. Applicant wishes to respectfully acknowledge and thank the Examiner for his excellent examining assistance, which has caused the applicant to respond in a way that is believed to have advanced this case.

Thank you.

Respectfully Submitted,

Dated: 12/03/2004
Via Facsimile Only

Richard J. Macor
26 Alpaugh Drive
Asbury, NJ 08802-1213
Phone (908) 479-6011
FAX (908) 479-6645